

S. HRG. 107-975

**NOMINATION OF VICE ADMIRAL CONRAD  
C. LAUTENBACHER, JR. TO BE UNDER  
SECRETARY FOR OCEANS AND ATMOSPHERE  
AT THE U.S. DEPARTMENT OF COMMERCE  
AND ADMINISTRATOR OF THE NATIONAL  
OCEANIC AND ATMOSPHERIC ADMINISTRATION**

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**HEARING  
BEFORE THE  
COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE  
ONE HUNDRED SEVENTH CONGRESS**

**FIRST SESSION**

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**THURSDAY, NOVEMBER 8, 2001**

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Printed for the use of the Committee on Commerce, Science, and Transportation



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ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

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ADMINISTRATION**

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**THURSDAY, NOVEMBER 8, 2001**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:40 p.m. in room SR-253, Russell Senate Office Building, Hon. Ron Wyden, presiding.

**OPENING STATEMENT OF HON. RON WYDEN,  
U.S. SENATOR FROM OREGON**

Senator WYDEN. The hearing will come to order.

First let me apologize to you, Mr. Lautenbacher. We have been juggling a number of matters on the floor. It seems to change every few minutes, and my apologies to you for the delay and any inconvenience.

We are pleased today to consider the nomination of Vice Admiral Conrad Lautenbacher as the eighth Under Secretary for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration. I understand, sir, that Deputy Secretary Bodman is with you. We would also like to thank him for his ongoing cooperation and we are glad to have him here.

NOAA was created on October 3rd, 1970, due in large part to the work of our distinguished Chairman, Senator Hollings. Congress created NOAA in order to provide "better protection of life and property from natural hazards, for better understanding of the total environment, and for exploration and development leading to intelligent use of our natural resources."

All the Members of this Committee recognize the need to have an agency whose mission is to describe and predict changes in the Earth's environment and to conserve and wisely manage the nation's coastal and marine resources. The recently established Commission on Public Policy is going to take a new look at these issues, which ought to raise the profile of NOAA issues nationally and certainly here in Washington, DC.

With an annual appropriation of over \$3 billion and over 11,000 employees located in every state, NOAA represents over 60 percent of the Department of Commerce's budget and nearly 30 percent of the total Department of Commerce workforce. The agency faces a number of challenges over the next decade, including management of the coastal zone, protecting and managing fish stocks and marine mammals, providing critical information on climate change, and continuing to protect the public and facilitate commerce by issuing state-of-the-art forecasts and warnings.

One-half of the nation's population lives within 50 miles of the coast and if population trends continue as expected, pressure on conflicting demands for ocean coastal resources are likely to increase, as will vulnerability to coastal hazards. States and coastal communities certainly need an activist federal government to improve coordination, strengthen partnerships, and provide the necessary resources.

Given our nominee's experience both in and out of the federal government, he clearly is in a position to assist the NOAA team. We believe your practical management experience will also serve you well in efforts to improve NOAA management of marine fisheries and devise innovative solutions.

As I think our nominee knows, our West Coast groundfish fishery and the communities that depend on it are clearly in desperate shape. Over the past decade, the West Coast groundfish fishery has experienced a population decline for several of the species that comprise the fishery, forcing the managers to impose even more strict regulations and leading to a great deal of economic dislocation.

I am particularly concerned that the management of the Northwest Region has ignored a number of these looming problems. I will say that the NOAA Fisheries Director Bill Hogarth is now working to improve this situation, and clearly there is much to do. I happen to believe that a serious management evaluation is warranted.

I want the nominee to know that I look forward to working with him and Dr. Hogarth on these issues. The challenge is to get the right number of fishers out there at the right time, catching the right number of fish, in order to make this industry sustainable. The average fisherman in Oregon has now lost 40 percent of his income and in some cases regulations have cut the total allowable catch by 90 percent. There has been no long-term help for the fisher who wants out of this regulatory nightmare.

For the past few years, Congress has provided economic assistance to help these folks get by and that is to a great extent through the help of Chairman Hollings and Senator Stevens, and we are very appreciative Senator Stevens is here.

But we also need you as our nominee to help find these creative solutions to there being too many fishers and not enough fish. That has been the challenge year after year.

I am going to put the rest of my prepared remarks into the record so I can recognize my colleague who has been patient, Senator Stevens.

[The prepared statement of Senator Wyden follows:]

## PREPARED STATEMENT OF SENATOR RON WYDEN

Good afternoon. It is my distinct pleasure to convene this hearing today to consider the nomination of Vice Admiral Conrad Lautenbacher as the eighth Under Secretary for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration (NOAA) at the Department of Commerce. Vice Admiral, we welcome you. I understand Deputy Secretary Bodman is with you, and I'd like to thank him for his show of support. We are glad to have you here with the nominee.

As many of you know, NOAA was created on October 3, 1970, due in large part to the work of our distinguished Chairman Senator Hollings. Congress created NOAA in order to provide "better protection of life and property from natural hazards . . . for a better understanding of the total environment . . . and for exploration and development leading to the intelligent use of our natural resources." All of us on this Committee recognize the need for this country to have an agency whose mission is to describe and predict changes in the Earth's environment and to conserve and wisely manage the nation's coastal and marine resources. The recently established Commission on Ocean Policy will be taking a fresh look at these same issues, which will appropriately raise the profile of NOAA issues nationally and here in Washington.

With an annual appropriation of over \$3 billion and over 11,000 employees located in every state, NOAA represents over 60 percent of the Department of Commerce's budget and nearly 30 percent of the total Department of Commerce workforce. NOAA faces a number of challenges over the next decades, including management of the coastal zone, protecting and managing our fish stocks and marine mammals, providing critical information on climate change and continuing to protect the public and facilitate commerce by issuing state of the art forecasts and warnings.

One-half of the nation's population lives within 50 miles of the coast and if population trends continue as expected, pressure on and conflicting demands for ocean and coastal resources will increase, as will vulnerability to coastal hazards. States and coastal communities need federal help to improve coordination, strengthen partnerships and provide resources to develop coherent approaches for managing and protecting ocean and coastal resources. Given your experience both in and out of the federal government, you will have invaluable expertise to assist the NOAA team in this complex effort.

Your practical management experience will also serve you well in efforts to improve NOAA management of marine fisheries and to devise innovative solutions. As you know, our West Coast groundfish fishery and the communities who depend upon it are in desperate shape. Over at least the past decade, the West Coast groundfish fishery has experienced a population decline for several of the species that comprise the fishery, forcing fisheries managers to impose ever more strict regulations and leading to a great deal of economic dislocation among fishermen and fishing communities. I am particularly concerned that the management of the Northwest region has ignored the looming problems, which has contributed greatly to the severity of the situation. I know NOAA Fisheries Director Bill Hogarth is working to improve this situation, but I think a serious management evaluation is warranted. I look forward to working with you and Dr. Hogarth during the remainder of this Congress to help resolve these issues and bring solutions that work to our coastal communities.

Finally, NOAA plays a huge role in atmospheric research and technology development. The services provided by the National Weather Service are essential to ensuring the efficiency and safety of our day-to-day activities—from fishing to air travel. Moreover, hurricane and polar satellites operated and managed by NOAA ensure we are able to predict and prevent devastating hurricanes and tornadoes. Finally, NOAA models and scientists form the core of the U.S. technical leadership in climate change prediction and monitoring. These are all critical missions that must not be overlooked in the "ocean" agency.

I trust you will keep a firm grasp on both.

I look forward to hearing your views about NOAA and how it can strengthen federal efforts to help the nation prosper on our seas and in our skies.

Thank you.

**STATEMENT OF HON. TED STEVENS,  
U.S. SENATOR FROM ALASKA**

Senator STEVENS. Thank you very much. Mr. Chairman, I am here to welcome the Admiral also. I am in another meeting con-

cerning the defense bill right now, but I did want to stop by and thank him for visiting with me. We had a discussion already concerning some of the issues NOAA is involved in. I do agree with you that Bill Hogarth is a man we can rely on.

I have only one comment, Admiral, that I did not make before. I will not be able to stay and ask any questions. I do not have any anyway, as a matter of fact. But I do hope that you will look into our situation in Alaska with regard to global climate change. Some people say it is warming, other people say it is change.

In any event, in Alaska it is real, because there is no question that we now have sea water intrusion in many of our villages. We have a situation up on the Arctic Ocean coast, where public and federal facilities are soon to be inundated with the Arctic Ocean. Our forests are moving further north. The permafrost is disappearing in some areas of Alaska and it is coming to other areas of Alaska. So it is not a total balance in terms of whether it is getting warmer or colder up our way, but there is change up there that needs more understanding and we need more basic research.

I think if we could catch up and understand what is going on in the Arctic, we might understand what will go on in the rest of the country in years to come. So I encourage you to come up and take a look there, Admiral. I would like to travel around and show you some of the things that I have seen and hopefully find a way to get you to work with NASA. NASA also is very interested in this and I think that your two agencies could go a long way in trying to get us some understanding that we need of what is changing and why in the Arctic.

But I do congratulate you and look forward to working with you, and I am sorry I have to leave, Mr. Chairman. Thank you very much.

Senator WYDEN. Senator, thank you for coming. I just appreciate all the help that you and Senator Hollings have given us on these issues.

Admiral why do you not go ahead and make any remarks that you choose and then we will have some questions.

**STATEMENT OF VICE ADMIRAL  
CONRAD C. LAUTENBACHER, JR.**

Admiral LAUTENBACHER. Yes, sir. Mr. Chairman and Senator Stevens. I appreciate the opportunity to be here with you today. First of all, I would like to ask that my statement be entered for the record.

Senator WYDEN. Without objection, so ordered.

Admiral LAUTENBACHER. And just make a couple of opening comments. First of all, I want to thank the President for bestowing this honor on me. I appreciate very much the support of the Secretary of Commerce Evans and Deputy Secretary of Commerce Bodman in this appointment and I look forward to working with them.

I am very grateful for the courtesy shown to me by the Members of this Committee that I visited this week. I am again, as I say, very happy to be here today at this hearing and looking forward to the future.

I will not recount my background. I think it is well known. I do want to say that I think we have a number of challenges facing us.

Senator Stevens certainly articulated some of the major challenges involved with climate change that will affect the whole country and the whole globe, not necessarily just Alaska, although it is deeply felt in that part of our country.

We face a number of challenges, not just in the climate change, but in environmental management, environmental monitoring, new energy sources, in biotechnology, biodiversity, medicine and just the general coupling of the atmosphere and the Earth and the ocean systems together for the well-being of humanity.

I think that we need to work in the future to support and bring on board all of the disciplines that are needed to build the basic science necessary for good public policy. The Earth and the atmosphere and the oceans remain coupled and the work that we do in the future will affect our economic health and the health and the well-being of each individual of this country and indeed for the world.

So I think we have a lot to do. I look forward to being part of the team that does that mission. I am very appreciative and admiring of the work that NOAA has done to date. It is an agency that affects everybody's lives. In the morning you get up, the first thing you ask for is the weather report. All of our industries function today on understanding what is happening in the climate and what is happening in their environment. We have enormous challenges in our coastal environment, managing the oceans and the coastal ecology and the atmosphere in those areas as well.

I would like to wrap up by saying that I am a strong believer in intergovernmental cooperation. I want to work together with all the agencies that deal with the oceans and the atmosphere. I want to work together with the Congress and the members of the staffs and all the committees that cover this broad area.

I am proud to have been nominated and should I have the privilege of earning your confirmation I look forward to working with you. My intent is to serve the President, the Secretary of Commerce, the talented people who make up NOAA today, and our fellow citizens across the nation. As my record shows in the past, I will work hard with the good Members of this Committee, the Senate and the House in building sound programs and building support to enact those programs for the betterment of our country.

Again, thank you very much for your courtesy, Mr. Chairman and Members of this Committee.

[The prepared statement and biographical information of Vice Admiral Lautenbacher follow:]

PREPARED STATEMENT OF CONRAD C. LAUTENBACHER, JR.

Mr. Chairman, Members of the Committee, I am pleased to appear before you today regarding my nomination for Under Secretary of Commerce for Oceans and Atmosphere for the Department of Commerce. I thank the President for nominating me to this position and Secretary of Commerce Evans and Deputy Secretary of Commerce Bodman for their confidence and support. I am also most grateful for the courtesies shown me during my visits with many of the distinguished Members of this Committee, and the opportunity to testify here today.

As most of you know, I have spent forty years of my life in the United States Navy, from my days as a Midshipman at the U.S. Naval Academy to my final tour on active duty as the Deputy Chief of Naval Operations for Resources, Warfare Requirements, and Assessments. As a native of Philadelphia, Pennsylvania, I am proud to have received my initial appointment to the U.S. Naval Academy from a distinguished Member of this great deliberative body, Senator Hugh Scott.

I can tell you that I know of no prudent Naval force commander who has not understood the importance of the combined state of the ocean and weather above it as a first priority in planning and executing a campaign at sea or in the littorals of the world. I am no exception. During my Naval career, I have developed a life long love of the oceans, as well as a deep respect for and more than a casual interest in the atmosphere in which we live, work, and defend our nation. My graduate education at the MS and Ph.D. levels included a strong dose of fluid dynamics, and my thesis topic involved an early modeling attempt to understand Tsunami run up on islands. I have spent the better part of the year since I left active duty either seeking or serving in my current capacity as the President of the Consortium for Oceanographic Research and Education or CORE.

As the President of CORE, I have been able to continue my association with the oceans and the dedicated people who support and perform the science and operational observations that are so critical to our future. I also have had the opportunity to advance my understanding of the issues currently challenging our nation that involve our oceans and their strongly coupled relationship with the atmosphere. My service in the Navy and this past year of work with CORE have produced a healthy and increasing regard for the importance of the National Oceanic and Atmospheric Administration (NOAA) to both the current and future quality of life and economic health of this nation.

I believe this is a very critical time for society in regard to our stewardship of the oceans and atmosphere. There are numerous issues of national and international importance in climate observation and prediction, national security and homeland defense, increased understanding and prudent management of the environment, living marine resource management, development of new energy sources, maritime transportation and safe navigation, and coastal zone management, to name a few. I look forward to the opportunity to be a part of the team that must confront and work on these challenges. There is no more important mission than providing for the sound science and observations which will allow the development and enactment of sound public policy in each of these critical areas.

I am a strong believer in intergovernmental cooperation and will work to ensure that NOAA is a team player with the other agencies that have interests in or jurisdiction over various aspects of the oceans and atmosphere. I also believe that the productivity and efficiency of any organization depends directly on the people who serve in that organization, and I will do all that I can to ensure an opportunity for each of the valued employees of NOAA to achieve personal and professional satisfaction.

I am proud to have been nominated to serve in this vitally important agency of our government. Should I have the privilege of earning your endorsement and the confirmation of the Senate, I will work hard to serve the President, the Secretary of Commerce, the talented people who make up the NOAA work force and our fellow citizens across this nation. The oceans and atmosphere are a sacred trust for the health and well-being of every individual. And as I have in the past, I intend to work with the distinguished Members and staff of this Committee, the Senate and the House in building sound programs and the requisite support for their enactment.

Again, thank you very much for your courtesy and the opportunity to appear before you today.

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#### A. BIOGRAPHICAL INFORMATION

1. Name: Conrad Charles Lautenbacher, Jr.
2. Position to which nominated: Under Secretary of Commerce for Oceans and Atmosphere.
3. Date of nomination:
4. Address: (Information not released to the public.) Office: Consortium for Oceanographic Research and Education, 1755 Massachusetts Ave. NW, Suite 800, Washington, DC 20036-2102.
5. Date and place of birth: June 26, 1942 in Philadelphia, PA.
6. Marital status: Married: Susan Elizabeth (Scheihing) Lautenbacher.
7. Names and ages of children: Daughter: Elizabeth Lautenbacher Katz (33); Son: Conrad John Lautenbacher II (31).
8. Education: 6/65–4/68, Harvard University, Ph.D. 4/68; 10/64–6/65, Harvard University, MS 5/65; 7/60–6/64, U.S. Naval Academy, BS 6/64; 2/57–2/60, Central High School, Diploma 1/60.
9. Employment record: US Navy Service 6/60–9/00; Asst. M Div. Officer, USS WASP (CVS-18), Boston, MA, 6/64–10/64; Student, Harvard University, Cambridge,

MA; 10/64–4/68; Navigator, USS HENRY B. WILSON (DDG-7), San Diego, CA, 4/68–1/70; Weapons Officer, USS HENRY B. WILSON (DDG-7), San Diego, CA, 1/70–7/71; Cost Analyst, OSD Systems Analysis, Washington, DC, 7/71–8/73; Flag Lieutenant, USCINCSNAVEUR, London, GBR, 8/73–5/74; Aide, Vice Chief of Naval Operations, Washington, DC, 5/74–3/75; Executive Officer, USS BENJAMIN STODDERT (DDG-22), Pearl Harbor, HI, 3/75–5/77; Program Analyst, CNO Staff (OP-96), Washington, DC, 5/77–5/80; Commanding Officer, USS HEWITT (D-966), San Diego, CA, 5/80–8/82; Federal Executive Fellow, Brookings Institution, Washington, DC, 8/82–9/83; Strategy Analyst, CNO Executive Panel, Washington, DC, 9/83–6/84; Director, Program Planning, CNO Staff (OP-90), Washington, DC, 6/84–8/86; Commanding Officer, Naval Station Norfolk, Norfolk, VA, 8/86–6/88; Inspector General, US Pacific Fleet, Pearl Harbor, HI, 6/88–6/90; Commander, Cruiser-Destroyer Group Five, San Diego, CA, 6/90–7/91; Director (J-8), Joint Staff, Washington, DC, 7/91–2/94; Special Assistant, Secretary of the Navy, Washington, DC 2/94–8/94; Commander, US Third Fleet, San Diego, CA, 8/94–10/96; Director, Office of Program Appraisal, Washington, DC, 10/96–12/97; Deputy Chief of Naval Operations (N-8), Washington, DC, 12/97–9/00; Private Sector 10/00-Present; Independent Consultant, Self Employed, Fairfax, VA, 10/00-Present; President/CEO, Consortium for Oceanographic Research & Education, Washington, DC, 3/01-Present.

10. Government experience: Member, Defense Science Board Panel on Advanced Lasers 10/00–6/01.

11. Business relationships: U.S. Naval Institute, Member, Board of Control and Editorial Board, 9/92–8/94; United Services Benefit Association, Member, Board of Governors 9/92–9/96; United Services Benefit Association, Chairman, Board of Governors 9/96–9/99; CEREBRUM, Inc. (self-incorporated consulting company), President, 1/01-Present; Technology, Strategies & Alliances, Consultant, 10/00-Present; Electronic Warfare Associates, Inc., Consultant, 10/00-Present; Systems Planning & Analysis Group, Inc., Consultant, 12/00-Present; Symrnetron, Inc., Consultant, 1/01-Present; Westinghouse Government Services Corp., Consultant, 2101-Present; Northrop Grumman Corp., Consultant 4/01-Present.

12. Memberships: U.S. Naval Institute, Member 1964-Present; U.S. Naval Order, Member 1995-Present; U.S. Naval Order, Board Member, 1998–1999; Naval Historical Society, Member, 2000-Present; Military Order of the World Wars, Member, 1995–1996; AARP, Member, 1992-Present; U.S. Naval Academy Alumni Assoc., Member, 1968-Present; Central High School Alumni Assoc., Member, 1997-Present; Navy League of the United States, Member, 2001-Present.

13. Political affiliations and activities: List all offices with a political party which you have held or any public office for which you have been a candidate: None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the past 10 years. None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years. None.

14. Honors and awards: Defense Distinguished Service Medal; Distinguished Service Medal with two Gold Stars in lieu of subsequent awards; Legion of Merit with three Gold Stars in lieu of subsequent awards; Meritorious Service Medal with two Gold stars in lieu of subsequent awards; Navy Commendation Medal; Navy Achievement Medal with Combat "V"; Combat Action Ribbon; Navy Unit Commendation; Meritorious Unit Commendation with one Star; Navy Expeditionary Medal; National Defense Service Medal with one Bronze Star; Armed Forces Expeditionary Medal; Vietnam Service Medal with three Bronze Stars; Southwest Asia Service Medal with Three Bronze Stars; Humanitarian Service Medal; Sea Services Ribbon with two Bronze Stars; Republic of Vietnam Gallantry Cross Unit Citation; Kuwait Liberation Medal (Kuwait); Kuwait Liberation Medal (Saudi Arabia); Federal Executive Fellow, Brookings Institution, 8/82–9/83; Central High School Hall of Fame (Philadelphia).

15. Published writings: Magic Moments, Boys Life Magazine, May 1959; Magic Moments, above article reprinted in One Nation Under God, ed. Robert Gordon Smith, Wilfred Funk, Inc. New York, NY 1961; Collision of Fluid Droplets, Harvard Technical Report No. 2, National Sciences Foundation Grant GK-165, Cambridge, MA, May 1966; Gravity Wave Refraction by Islands, Thesis, Harvard University, December 1967, Cambridge, MA; The Presidents Own, Marine Corps Gazette, November 1968; Gravity Wave Refraction by Islands, Journal of Fluid Mechanics, Cambridge, UK, May 1970; Earth Day Should be Ocean Day, CORE Press Release, reprinted in various Ocean Science organizational newsletters, April 2001.

16. Speeches: Public Testimony to the Senate Appropriations Subcommittee on Defense supporting Basic Science, May 2001; Public Testimony to a combined three subcommittee House hearing on Ocean Exploration and Observing, July 12, 2001.

17. Selection: (a) Do you, know why you were chosen for this nomination by the President? Yes.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment? 40 years experience in the US Navy on the oceans and in the atmosphere of our world; Ph.D. in Applied Mathematics, Harvard University; 26 years of management and leadership experience; 16 years of budget and fiscal planning experience in Washington DC; President/CEO of the primary Ocean Science support organization in Washington.

#### B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate? Yes.

2. Do you have, any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain. No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization? No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service? No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? Yes.

#### C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers. Consortium for Oceanographic Research and Education (CORE)—retain TIAA-CREF 403b—no contributions beyond termination of employment; CEREBRUM, Inc.—SEP-IRA—Self-incorporated company to be inactive during government service.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Not aware of any.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent; that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Not aware of any.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy. As Deputy Chief of Naval Operations, testified numerous times in support of the Defense Authorization and Appropriations Bills. Numerous conversations with House and Senate staffers as President of CORE, testified twice in support of Basic Ocean Science Research. Numerous conversations with House and Senate Members and staffers.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.) I will report the situation to my immediate superior and recuse myself from any further deliberations on the matter at issue.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position? Yes.

#### D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details. No.

2. Have you ever been investigated, arrested, charged or held by any federal, state, or other law enforcement authority for violation of any federal, state, county, or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details. No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in an administrative agency proceeding or civil litigation? If so, provide details. No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination. Not aware of any additional information.

#### E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines set by congressional committees for information? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistleblowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the committee with requested witnesses, to include technical experts and career employees with firsthand knowledge of matters of interest to the committee? Yes.

4. Please explain how you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress. All regulations will be subject to a general counsel review and modified as necessary to ensure compliance with the intent and spirit of the laws passed by Congress.

5. Describe your department/agency's current mission, major programs, and major operational objectives. NOAA is the federal agency charged with numerous critical tasks in regard to ocean and atmospheric science and observation. Significant roles include: weather and climate prediction, fisheries management and regulation, ocean and atmosphere environmental monitoring, public health and safety monitoring, navigation and safety of marine transportation, administering marine sanctuaries and coastal zone management initiatives. In each of these areas, NOAA has been and must continue to lead as well as help to coordinate and integrate across all other federal, state and local entities that are involved in activities that involve the oceans and atmosphere.

6. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

#### F. GENERAL QUALIFICATIONS AND VIEWS

1. How have your previous professional experience and education qualified you for the position for which you have been nominated? As a career Naval Officer, I have spent 40 years either operating in or on, or engaged in study about our atmosphere and oceans. Advance education includes a Ph.D. in Applied Mathematics from Harvard University with a thesis in an oceanographic topic, Tsunami modeling. I have spent a lifetime studying and using ocean and atmospheric condition predictions. Weather and ocean conditions play a critical role in military operations and as such they are a prime concern of every knowledgeable field commander as well as resource manager. I have been in charge of organizations at all levels and have a proven success record in the leadership of large organizations including thousands of personnel. I have been a successful resource manager at all levels from entry level to the senior ranking position in the Navy. I believe I have a combination of understanding of the science and observation of our oceans and atmosphere, and well as the leadership and management ability to guide successfully the large and diverse organization that is NOAA.

2. Why do you wish to serve in the position for which you have been nominated? Two reasons: First, I have been asked to serve by my President. I have answered every call in the last forty years and I don't intend to stop now. Second, I believe this is a very critical time for society in regard to our stewardship of the oceans and atmosphere. There are numerous issues of national and international importance in climate observation and prediction, increased understanding and prudent management of the environment, living marine resource management, development of new energy sources, and coastal zone management, to name a few. I want to be a part of the team that must confront and work on these challenges.

3. What goals have you established for your first 2 years in this position, if confirmed? It would be presumptuous of me to dictate a 2-year program for NOAA before I have had an opportunity to review the organization and the current status of their programs in detail. However, in general, I intend to review the current status; make organizational adjustments as necessary and develop priorities for the future. This initial review will include the areas listed above, as well as others that

come to my attention in the future. NOAA has a solid reputation for service and dedication. I intend to maintain and build that reputation for the future. In all previous assignments, I have always been dedicated to improving personnel morale and job satisfaction, and would continue to do so as the NOAA Administrator. I intend to work hard, not only within NOAA to develop a coherent program and sound organization, but also to apply the same effort in integrating and coordinating activities across all other agencies that involve the oceans and atmosphere.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain these skills? I have never personally worked in the organization. I intend to listen carefully to those who have and to those who have been successful in this area in the past. I will build teams that include members with the requisite knowledge to be successful.

5. Please discuss your philosophical views on the role of government. Include a discussion of when you believe the government should involve itself in the private sector, when should society's problems be left to the private sector, and what standards should be used to determine when a government program is no longer necessary. I am a strong supporter of the Constitution and our form of government. I believe in a balance between federal activism and states' rights. Government needs to be as efficient as possible and intrusive only to the point of providing for national security, integrity of the currency and commerce, law and order, public health, and the safety of all its citizens. The strength of our private sector and our free enterprise system needs to be brought to bear wherever and whenever it makes sense. Tasks that can be accomplished by the private sector more efficiently and fairly should be devolved or not undertaken by government in the first place. Government programs should be terminated when they are no longer needed, when they are no longer affordable given funding and other priorities, or when the private sector is capable of assuming the task at greater efficiency and fairness.

6. *In your own words*, please describe the agency's current missions, major programs, and major operational objectives. NOAA is the federal agency charged with numerous critical tasks in regard to ocean and atmospheric science and observation. Significant roles include: weather and climate prediction, fisheries management and regulation, environmental science improvement, public health and safety monitoring, navigation and safety of marine transportation, marine sanctuaries administration and coastal zone management. In each of these areas, NOAA has been a leader and must continue to lead as well as help to coordinate and integrate across all other federal, state and local entities that are involved in activities that involve the oceans and atmosphere.

7. In reference to question number 6, what forces are likely to result in changes to the mission of this agency over the coming 5 years? Critical national issues relating to climate prediction, environmental monitoring, the search for new energy sources, public health and safety, living marine resource management and Coastal Zone management will be important factors in shaping NOAA programs. However, I believe that the NOAA mission is sufficiently broad to cover all of the above; therefore it is unlikely that the mission itself will change much. In the near future, the deliberations and final report of the Commission on Ocean Policy are likely to be the most significant forces for change in the NOAA mission.

8. In further reference to question No. 6, what are the likely outside forces which may prevent the agency from accomplishing its mission? What do you believe to be the top three challenges facing the department/agency and why? At this point, I don't see any forces that will prevent accomplishment of the NOAA mission with the exception of inadequate funding (not unique to NOAA). The top three challenges include developing and building a climate monitoring system, improving fisheries and marine living resource management, and enabling prudent use of the environment. I believe these are international as well as national issues that will significantly affect life on this planet as we know it for the next one hundred years at least. Public policies in these areas need to be formulated on the basis of the best science and observational techniques that we can devise and afford.

9. In further reference to question No. 6, what factors in your opinion have kept the department/agency from achieving its missions over the past several years? I believe that the agency has accomplished its mission over the past several years; to the extent that it could do better, funding plays a significant role.

10. Who are the stakeholders in the work of this agency? Every citizen in this great nation! (Nothing moves without a good weather forecast). Others include the ocean and atmospheric science community, environmental monitoring and regulatory agencies, the international ocean and atmospheric science community with the State Department, U.N. and ad hoc multinational committees as agents.

11. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question No. 10? NOAA needs to provide the best services possible for the least cost to all stakeholders. I intend to review continuously the quality of our products, customer satisfaction with our products, and internal efficiencies in building those products. I intend to be proactive with the other agencies and agents as listed above to ensure that NOAA is meeting their needs to the maximum extent possible.

12. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices similar to those practiced in the private sector. (a) What do you believe are your responsibilities, if confirmed, to ensure that your agency has proper management and accounting controls? I have worked previously in government under the Chief Financial Officers Act and will review NOAA organization and current procedures with the goal to improve efficiency and build sound financial management practices similar to those in the private sector.

(b) What experience do you have in managing a large organization? As a career Naval Officer, I have been in charge of numerous organizations, both small and large. Examples of large organizations include managing Naval Station Norfolk, the world's largest such installation, with two thousand direct reporting personnel and a \$50M annual budget supporting a force of 100,000 personnel and 113 Navy ships. I have been in charge of the budget and planning for the U.S. Pacific Fleet with a budget of \$5B and responsibility for maintaining and operating one-half of the United States Navy. I have been Commander of the U.S. Third Fleet, directly in charge of operations typically including at least 16,000 personnel. I have been the Navy's chief resource manager in charge developing the Navy's budget and 5 year future plan, with 14 Flag Officers and approximately 500 other professional staff officers as direct reporters.

13. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals. (a) Please discuss what you believe to be the benefits of identifying performance goals and reporting on your progress in achieving these goals. Identifying performance goals and the accompanying metrics are critical to determining the efficiency of the organization, measuring progress toward goals, cost-benefit analysis, and determining organizational priorities. Effective planning cannot be accomplished without an identification of goals and meaningful progress reports.

(b) What steps should Congress consider taking when an agency, fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing or consolidation of departments and/or programs? The first step would be to determine in specific detail the reason(s) for failure. Other steps would follow depending on the outcome, of step one. I would not rule out consideration of the other mentioned remedies depending on the cause(s) of the failure.

(c) What performance goals do you believe should be applicable to your personal performance, if confirmed? Honesty and integrity in dealing with the public, the Executive and Congress. Development of organizational priorities and goals that are consistent with the mission. Development and execution of a budget designed to achieve those goals. Reasoned public advocacy of the organization's goals and priorities. Building a qualified and effective work force.

14. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you? I believe in the intrinsic worth and dignity of every human being and that each person has skills that need to be discovered, nurtured and valued within the organization. Supervisory/employee relationships work best when the supervisor is a leader with proven leadership skills. Leadership includes developing and publicizing organizational goals and objectives, setting a positive example in working toward those goals, and maintaining a courteous and friendly working relationship with all employees. I believe in setting high standards. I believe that encouragement and praise for the good things that are being accomplished in the organization are far better motivating factors than disparaging comments and sanctions for poor performance.

I am not aware of any employee complaints against me.

15. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please describe. I have always worked hard to maintain an open and honest working relationship with Members of Congress and congressional staffers in my previous positions in the Navy and as President of CORE. I intend to continue to be proactive in dealing with issues under my cognizance, responsive to requests for information, receptive to comments and ideas; and dedicated to executing the law of the land. I have

had the honor and pleasure in the past of working with the House and Senate Armed Service Committees, the House and Senate Appropriations Defense Subcommittees, the Senate Commerce, Science and Transportation Committee, the House Science Committee, and the House Resources Committee (including appropriate subcommittees).

16. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency. I will work with the Inspector General and comply with the regulations that govern his or her position within the Commerce Department. I will be fully supportive of the Inspector General's mission in matters that fall within my purview.

17. Please explain how you will work with this Committee and other stakeholders to ensure that regulations issued by your department/agency comply with the spirit of the laws passed by Congress. I will work hard to maintain the kind of working relationship with this Committee that will allow me to understand both the spirit and the intent of Congress in regard to all potential and enacted regulations. Additionally, within the agency, all regulations will be subject to a general counsel review and modified as necessary to ensure compliance with the intent and spirit of the laws passed by Congress.

18. In the areas under the department/agency's jurisdiction, what legislative actions(s) should Congress consider as priorities? Please state your personal views. It would be premature at this point to lay out a detailed legislative priority list. In general, however, I believe it is most important at this point in the budget cycle to complete action on the pending Appropriations Bills that will affect my agency. Should I be confirmed, I look forward to providing any information that will help in progress toward this end. Additionally, I hope that I may have the opportunity to address this question again after I completing an internal agency review.

19. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending based on national priorities determined in an open fashion on a set of established criteria? If not, please state why. If yes, please state what steps you intend to take and a timeframe for their implementation. Yes, I certainly support the concept as it may apply to my agency. My objective would be to complete an internal review of agency organization and programs within 3 months, of assuming leadership and within 3 months of that date develop and publish priorities and plans to implement.

Senator WYDEN. Admiral Lautenbacher, according to the information that you have given the Committee you do not appear to have a tremendous amount of experience regarding fisheries. I guess it is fair to say that I and other members of the Northwest Congressional delegation will be happy to provide the tutorials.

Admiral LAUTENBACHER. Yes, sir.

Senator WYDEN. We can sort of start this afternoon. The essence of this is there are too many fishers catching too few fish. It is critically important that steps be taken to make the industry sustainable, and clearly to deal with the Northwest groundfish fishery we are going to have action for the Administration and the total support of your office.

Let me ask you about some specifics now. I have introduced S. 973, which is the Pacific Groundfish Preservation Act. The legislation offers a buyback program funded one-half by federal appropriation and one-half by the industry through a federal loan. This would decrease the number of fishers. In the past there have been buyouts to address overcapitalization.

I think I would like to start by asking you what alternatives would you propose to voluntarily decrease the number of fishers?

Admiral LAUTENBACHER. Senator, I have to agree with you that I am not experienced in the management of fisheries and that I am learning in this area as well. But to date what I have learned so far is that there are a number of opportunities that we have to combat or to deal with the overfishing. I think some of the proposals that have been made for buybacks, either government-funded or by loans, are very interesting.

I know that your support on this bill and interest on this issue are very much appreciated by the Administration and by NOAA. I am delighted to have on the team that has been chosen already to work in NOAA, Dr. Bill Hogarth, who as you mentioned is very experienced in this area, and Bob Lawn, who is the Regional Director in the Northwest and I understand is very knowledgeable about it.

I think we need to work together to build a solution that will be protective of our environment as well as ensuring that the economics of fishing maintains its viability.

Senator WYDEN. Do you think that there needs to be a faster process to get disaster money out to communities? The reason I am asking this question is that the West Coast groundfish fishery was declared a disaster in January of 2000 and it took nearly 12 months after funding was appropriated. Frankly, at that point I had a hearing on the coast in Oregon and it was clear it was not ever going to get out. I mean, the money was just going to be stuck in the pipes somewhere.

We basically said, look, we are going to bring folks there constantly until the money gets out, and finally it did.

In our legislation we require NMFS to report to Congress on how they could speed up the distribution of disaster money. I would be interested in whether you think there does need to be a faster process to get it out.

Admiral LAUTENBACHER. Senator, I am not aware of the details of the process. I would have to say that that certainly sounds excessive to me and I will look into it. I think it is important that emergency assistance should be received by the people who deserve to have it as soon as possible.

Senator WYDEN. Now, at present the IRS taxes this money as regular income and at the same time puts families off the food assistance rolls. Does that seem appropriate to you?

Admiral LAUTENBACHER. I am not a tax lawyer. I am not really familiar with the entire IRS code. But that does seem a bit harsh, yes, sir.

Senator WYDEN. Fishermen also have to shovel large quantities of fish overboard because of regulatory or market restrictions on what they can bring to the dock. I have been working for years to get NOAA to create a program so we would not have the disgrace of having all of these needy people in the United States and people chucking fish overboard. Suffice it to say the previous Administration said they would do it and they did not. I think it is very unfortunate and I would be interested in knowing what ideas you have for eliminating this, the waste of this resource.

Admiral LAUTENBACHER. I will have to look into the rules and regulations that have created that situation, Senator. It sounds to me like we need to work on that and I would be happy to work with you to try to solve that situation.

Senator WYDEN. Have you seen some of these pictures? I mean, there are pictures repeatedly in major publications all across this country of people throwing fish overboard. Are you familiar with that?

Admiral LAUTENBACHER. I have not seen those pictures, no, sir. I will look.

Senator WYDEN. I think we will supply them to you.

Admiral LAUTENBACHER. Thank you.

Senator WYDEN. It is a disgrace.

Admiral LAUTENBACHER. Yes, sir.

Senator WYDEN. It is a disgrace that there is not a system that gets this resource to needy people while at the same time not leading to overfishing and the like, which presumably has been the argument. I hope that you will do better than your predecessor, because your predecessor made a commitment.

This is something I feel very strongly about. This is one of the most flagrant examples of waste that I have seen in my years in public service. You are throwing this report overboard when you have needy people, when you have all the economic hurting communities across this country. I just think it is a moral blot on our country and I hope you will take it on. We are going to supply you with the pictures.

Admiral LAUTENBACHER. I understand, sir. I will take it on.

Senator WYDEN. Tell us what process you think you would like to pursue to ensure better cooperation between the agencies and fishermen and processors in order to address the sustainability question and maintain fishing communities.

Admiral LAUTENBACHER. Again, I would like to address that after I have had a chance to look more at the way the agency works. But, in general, I would say that what I see as a private citizen is, first of all, controversy over the basic science and the pieces that we put together to make, build the criteria on which we judge ourselves.

I see contention between the various components and advocates of various parts of our society, working on data which generally is inadequate or not fully thought out. I think that we need a process that builds the proper basic knowledge of science and knowledge of the fishing environment to the point where people at least agree on the basic facts. At that point, I think we need to have a balance in the constituencies that are represented in this important area of our country, both economically and from quality of life.

Senator WYDEN. NMFS has been conducting stock assessment surveys in the West Coast groundfish fishery every 3 years instead of every year. So at this point there is not adequate data on 83 of the species that comprise the groundfish fishery. The law states that a precautionary management approach is required to conserve the stocks that we have left. How would you go about complying with that law and making sure that there are resources to conduct scientifically valid assessments on an annual basis?

Admiral LAUTENBACHER. I would like to have an opportunity to answer that one for the record. I am not sure that I can give you an answer to that question at this point. I do not have enough of the details of how the agency does that work or the resources that are involved. I will work hard to try to improve the procedures and provide the proper resources.

Senator WYDEN. I think I am getting the drift with these questions. Let me leave it this way. This is something I feel very strongly about and I think it is important that when you are before this Committee you can talk at least to some degree specifically about matters that are important to my constituents. This is some-

thing that has been in front of the agency for a long time and I hope that you get up to speed on this.

I am going to give you some additional questions in writing on the West Coast groundfish fishery. But this is something that I feel very strongly about and I think we have got to get your people working on this and pursuing it vigorously. We will supply the rest of the questions to you on this matter for the record.

Let me ask you about one other issue that is important to my constituents and then we will turn to some other matters. NOAA is responsible for making forecasts on water levels in an important part of my state, in the Klamath Basin. Each year the forecast comes out on April 1st, but the farmers have to make their decisions before April 1st. Would you be willing to work with me, and I know my colleague Senator Smith feels very strongly about this as well, to look into a way to help the farmers get the information they need earlier?

Admiral LAUTENBACHER. Yes, sir, I would. My background on this tells me that some of that information is available and we should be able to make it available to you much earlier. We will work with you on that, yes, sir.

Senator WYDEN. Let me turn now to some broader issues. Ongoing oceanographic research is critical to the nation's understanding of the physical world. We know more about the surface of the moon probably than we do about the oceans. Where does ocean exploration lie in your list of priorities?

Admiral LAUTENBACHER. I have testified before that I consider it to be very important. I view ocean observing and ocean exploration as kind of the two bookends of the knowledge set that we need to fill up to put on our bookshelf of knowledge about the oceans. I think there remains much to be discovered about the oceans and we need the work at it from both ends, both observations and exploration.

So I am a supporter of the explorations program that has been instituted by NOAA.

Senator WYDEN. The country is falling behind other nations in aquaculture development. Offshore aquaculture has the potential for increasing the amount of domestic fish entering the U.S. market, thereby decreasing the deficit, while at the same time ensuring that aquaculture goes forward in an environmentally sound fashion.

Would you be willing to explore the expansion of American aquaculture?

Admiral LAUTENBACHER. Yes, I would be. Personally, I think that is an area we need to work in. I think that is the place where we are going to have the greatest opportunity to increase our economic value of fish and fisheries in the United States.

Senator WYDEN. How would you go about doing it?

Admiral LAUTENBACHER. Well, I think we have a lot of issues with the way we set these fish farms up and the research that has been done on the types of breeding and conditions under which they live, in which they can cross-breed with native species. We need lots more work in terms of the basic research on it and we need the support work that is ongoing right now.

Senator WYDEN. Let me ask you about the NOAA corps and fleet. For many years there have been attempts to eliminate the NOAA corps, as well as the NOAA fleet, both of which are essential in terms of the mapping and charting mission of the agency. Under Senator Hollings' leadership, this effort has not gone forward. The recent public and scientific success of the Ocean Exploration Initiative only underscores the importance of preserving and expanding the fleet and corps.

How would you assess the adequacy of NOAA's aircraft and oceanographic fleet to support the current and anticipated needs?

Admiral LAUTENBACHER. Again, I would like more time to assess the requirements, but in general, I believe that the NOAA corps is a valuable part of that agency. I believe that we need the recapitalize the fleet that NOAA uses, as well as the aircraft fleet. These are essential tools in research and basic observation of physical phenomenon that we are all interested in.

Senator WYDEN. So you are going to actively pursue modernizing the NOAA oceanographic fleet?

Admiral LAUTENBACHER. I am going to try to do that, yes.

Senator WYDEN. The Navy has purchased many of the ships now used by the university fleet. Would you agree that NOAA's naval deputy could be helpful in procuring new ocean assets for the fleet, like remotely operated vehicles for use by the agency and the university community in ocean exploration?

Admiral LAUTENBACHER. I think the future is robotics and AUVs and remotely operated vehicles. It is an important adjunct to the way we do business. At some point it may take the place of manned vessels and manned exploration systems. It is certainly something that we need to get into and push harder than we are doing now.

Senator WYDEN. Now, one other area that a number of the Senators on the Committee are interested in is the effectiveness of coastal zone management. The statute, the Coastal Zone Management Act, is now almost 30 years old. In 1972, it was certainly a revolutionary approach to go about addressing the increasing threats posed to fragile coastal areas. Coastal populations, as you know, are growing in many areas of the country and the modern pace of development seems to have outstripped the nation's ability to protect some of these coastal areas.

With the thirtieth anniversary coming up in 2002, it seems like an ideal time to take a close look at coastal zone management's effectiveness at the local level. Tell me, if you would, how you would pursue a management review of the program so as to maximize its potential?

Admiral LAUTENBACHER. I agree that some sort of a Coastal Management Act is critical. I think that many of our problems that we are going to face are going to be in the coastal zone. As both you and Senator Stevens have stated, the majority of our population, at least 50 percent at this point, the majority will be living in the coastal areas. So coastal management will become very important.

I intend to, when I get to NOAA, take a look at the coastal management programs as they are set up and review them and see what needs to be done.

Senator WYDEN. Any ideas on strengthening and accelerating coastal protection efforts at the ground level instead of or perhaps in addition to some of the state programmatic grants?

Admiral LAUTENBACHER. Well, I am a believer in partnerships in this area, so I think that we need to continue to partner with the state and local agencies, the federal government. There is a definite need for the country to support this. There is a definite need for the regions to be able to come in with their specific needs and deal with it. So I am a supporter of partnerships with the agencies involved in each one of these issues.

Senator WYDEN. Well, we are as well. We just want to get these ground level efforts.

Admiral LAUTENBACHER. Yes, sir.

Senator WYDEN. So often, it just seems that those people come to our community meetings and the like and say, nobody is talking to us, nobody is aware of us. So if you can make sure that the partnership has those people at the table, that is the key.

Admiral LAUTENBACHER. We will work on that.

Senator WYDEN. I do not have anything to add further. Please get up to speed on these West Coast groundfishing matters.

Admiral LAUTENBACHER. I have gotten a lot smarter in the last 10 minutes, sir.

Senator WYDEN. Let me state, just so that the record is clear, that Secretary Evans has been extremely helpful. When we had to get that groundfish money out where it had just been idling for months and months, I think Secretary Evans barely got a chance to get to his phone when I called him. He probably said to himself, who is this skinny fellow from Oregon. He would not have known me from Adam. He got right on it and he got that money out. So we are very appreciative of that.

Mr. Hogarth has been very responsive as well. But we need you to really apply yourself at these areas and particularly to stop the waste of the resource, get the stock assessments, and to help us with an effort to come up with a voluntary program that can decrease the number of fishers.

So you get a pass today because this is all new, but we will want you to be an activist on those issues. We are looking forward to seeing you confirmed. We have heard very good things about you and your expertise.

Why do we not give you the last word. Anything you would like to add further?

Admiral LAUTENBACHER. I think I have said it all. Again, I want to thank the Members of the Committee for their courtesy to me during this period of working through the confirmation process. I am a great supporter of this nation and the country and the process that we are all engaged in, and I assure you that I will work hard to earn your trust and confidence and live up to your expectations.

Thank you very much for your time today, sir.

Senator WYDEN. Very good. The hearing is adjourned.  
[Whereupon, at 3:11 p.m., the hearing was adjourned.]



## A P P E N D I X

### RESPONSES TO WRITTEN QUESTIONS SUBMITTED BY SENATOR HOLLINGS TO VICE ADMIRAL CONRAD LAUTENBACHER

#### *1. Effectiveness of Coastal Zone Management*

The Coastal Zone Management Act is now almost 30 years old. In 1972 it was one of the most revolutionary approaches ever taken to address the increasing threats development posed to our fragile coastal areas. With coastal populations exploding particularly in Southeastern coastal states such as South Carolina—the modern pace of development seems to have outstripped its ability to protect our coastal areas. The 30th Anniversary year, 2002, would be an auspicious time to take a close look at the Act's effectiveness at the local level.

*Question 1.* How would you pursue a management review of this program that could get to the heart of the matter?

Answer: The Coastal Zone Management Act is up for reauthorization and I understand that both Congress and the Administration have developed some initial concepts for making the Act and program reviews more effective. NOAA is currently working both internally and with their partners to develop indicators of coastal management effectiveness. If I am confirmed, I will work within the Administration, work with the states, and Congress to examine ways for addressing more effectively the issues surrounding rapid coastal development.

*Question 2.* Can you suggest ways we could strengthen and accelerate coastal protection efforts at ground level in addition to—or instead of—state programmatic assistance grants?

Answer: As I stated at my confirmation hearing, if I become NOAA Administrator, I plan to look closely at all the NOAA coastal programs, not just those related to the Coastal Zone Management Act, to determine ways that they can be more effective at all levels, including the local level, where increasingly more decisions are made on coastal protection and development. An important part of this is ensuring that local decisionmakers have relevant and accurate information. I believe that strong and effective partnerships for providing information, tools, and training are one of the most important ways that NOAA can improve coastal protection efforts.

#### *2. NOAA Corps and Fleet*

For many years there have been attempts to eliminate the NOAA Corps as well as the NOAA Fleet, both of which are the backbone of NOAA's crucial mapping and charting mission. We were successful in repelling this effort, I am proud to say. The recent public and scientific success of the Ocean Exploration initiative only underscores the importance of preserving and expanding the fleet and Corps.

*Question 1.* How would you assess the adequacy of NOAA's aircraft and oceanographic fleet to support current and anticipated programmatic needs?

Answer: I understand that the NOAA Corps and fleet have been doing an excellent job in supporting NOAA's programmatic needs. Based on the information available to me, the funds provided in the FY2002 Conference mark for NOAA ship and aircraft operations and maintenance and related data collection, coupled with the funds for outsourcing will be able to meet all of NOAA's high priority needs for ship and aircraft support to NOAA programs in FY2002. I have some concerns about the age of NOAA's ships and aircraft, but don't believe I have adequate information at this time to provide a good answer to the anticipated needs part of the question. Should I be confirmed, I plan to review this situation with NOAA personnel and develop plans accordingly.

*Question 2.* What are your views on modernization of the NOAA oceanographic fleet?

Answer: The Congress has been very supportive in the past few years in providing funds for upgrading and modernizing NOAA's ships, and it appears significant progress has been made toward modernizing the fleet. As a matter of principle, I believe that fleet modernization should be commensurate with customer needs and

make the most efficient use of available technology. As indicated above, should I be confirmed, I intend to review the entire fleet requirements issue as a priority matter.

*Question 3.* The U.S. Navy has purchased many of the ships now used by the University fleet. Don't you agree that NOAA's Naval Deputy could be helpful in procuring new ocean assets for the NOAA fleet—like Remotely Operated Vehicles—for use by NOAA and the university community in Ocean Exploration?

Answer: The transfer to NOAA of former Navy T-AGOS and YTT class ships has led to an effective use of national assets and allowed NOAA to meet a variety of program needs. I believe that NOAA's Naval Deputy can continue to be helpful in keeping NOAA apprised of future opportunities regarding Navy ships and can be helpful in identifying other available Navy ocean assets and Navy acquisitions in which NOAA might participate.

### 3. *Regulations on Turtle Excluder Devices (TEDS)*

On October 2, 2001 NOAA issued proposed regulations establishing new requirements for Southeastern shrimpers to protect endangered sea turtles. As you may know, South Carolina shrimpers have been among the most cooperative in the nation in working with federal and state managers to protect sea turtles during an exhausting series of rulemakings in the past 10 years. However, they are increasingly frustrated by a "one size fits all" approach to regulations that do not take into account the special characteristics of the South Carolina shrimp fishery—including its conservation achievements.

*Question (a).* Vice Admiral Lautenbacher, how would you deal with such regional differences in finalizing these regulations? Can we depend on you for flexibility in dealing with this situation?

*Question (b).* Will you agree to work with me and our South Carolina shrimpers to ensure that regulations are sufficiently tailored to recognize the effectiveness of conservation measures taken by our fleet?

Answer: While I am not familiar with many of the specific issues surrounding TEDs, I do know that they are extremely contentious and that measures needed to protect sea turtles could vary between the Southeast Atlantic and the Gulf of Mexico. With your support, the South Carolina shrimp industry has accomplished many conservation goals and I applaud them for those efforts. I understand that NOAA Fisheries has extended the comment period for the proposed TED regulations for 45 days to gather more information. If confirmed, I assure you that I will work closely with you and Dr. William Hogarth to ensure that the regulations maintain adequate flexibility with respect to TEDs in different geographic areas while protecting sea turtles and other endangered species.

### RESPONSES TO WRITTEN QUESTIONS SUBMITTED BY SENATOR McCAIN TO VICE ADMIRAL CONRAD LAUTENBACHER

*Question 1.* You have mentioned in pre-hearing questions that developing and building a national climate monitoring system is one of the top three priorities for NOAA. Also, the National Academy of Sciences recently recommended the establishment of a national climate service which would focus on weather monitoring.

(a) What are your plans for establishing such a system?

Answer: If confirmed as the NOAA Administrator, I will work to address the recommendations made by the National Academy in several National Research Council (NRC) reports. These reports identified shortcomings in NOAA's observing systems that were built for purposes other than climate monitoring. Such improvements as higher measurement accuracy and long term stability are needed to meet climate requirements. In addition, coordination among the various observing systems operated by NOAA, as well as other federal agencies, is required to provide more complete datasets for coupled climate models and modeling the Earth's climate system, including ocean, atmosphere and land processes. Finally, existing international partnerships must be leveraged and expanded in order to meet the global requirements of a climate monitoring system.

(b) How would a national climate service differ from the existing National Weather Service?

Answer: The National Academy study did not explicitly explore a formal climate services organizational structure. Rather they made "recommendations to enhance the capabilities of existing institutions and agencies and build a stronger climate service function within this context." These recommendations addressed: (1) effec-

tive use of the nation's weather and climate observation systems; (2) improved capabilities for research, technology infusion, modeling and prediction; and (3) regional interdisciplinary approaches to climate services.

My understanding is that NOAA's newly established Climate Observations and Services Program is already leveraging the existing infrastructures and know-how of NWS, NESDIS, and OAR in a way consistent with the Academy's vision. The study emphasized a user-centric service with developing regional activities, attributes which are already part of NOAA's virtual climate service. Effective national climate services can only be delivered through the pooled talents of not only the NOAA components, but also other federal, state, local, and private partners. Should I be confirmed I intend to review the current situation in greater depth and make changes as warranted.

*Question 2.* In the past, many large-scale science projects were presented to Congress with cost estimates that did not reflect the total project costs. Will you ensure that total life cycle costs are presented when requesting Congressional approval of these projects?

Answer: Senator McCain, it is my understanding that NOAA has restructured its planning and budget process which should assist in resolving issues of total life cycle costs for large-scale science projects. Once confirmed, I plan to review NOAA's planning and budgeting process and make every effort to ensure that your concerns of total life cycle costs are addressed. I am a firm believer in knowing all the costs before making a decision.

*Question 3.* How critical is international collaboration for scientific research to the overall success of the U.S. investments in this area?

Answer: Establishing international partnerships for large-scale research programs and the exchange of methodology and data is crucial for producing state-of-the-science assessments of earth systems, developing new predictive tools and capabilities, and assisting policymakers and resource managers in their decisions. NOAA has the tools, capabilities and experience to provide leadership for these emerging and exciting challenges. If confirmed, I will continue to pursue cooperative efforts to achieve these goals. The oceans and atmosphere are global resources and ultimately it will take global agreements to safeguard these precious assets for the future of our nation as well as the world.

*Question 4.* The President has asked the Secretary of Commerce, working with other agencies, to set priorities for additional investments in climate change research, review such investments, and to provide coordination amongst federal agencies. What do you see as the role of the NOAA Administrator in this process? Do you feel this effort may duplicate some of the existing work at the U.S. Global Climate Change Research Program (USGCRP)?

Answer: The Secretary of Commerce asked Dr. David Evans, Assistant Administrator for NOAA Research, to develop a Climate Change Research Initiative in collaboration with the USGCRP and federal agencies that participate in climate change research. As NOAA Administrator, I would work to develop and implement this initiative. Since the USGCRP agencies and climate scientists are developing the priorities and plans, it should be possible to ensure that any additions or changes will complement and enhance the existing program rather than compete with or duplicate it. I will work to ensure that these programs are mutually supporting and non-duplicative.

*Question 5.* Do you feel that changes are necessary to strengthen the role of the U.S. Global Climate Change Research Program?

Answer: USGCRP has had many successes over the past decade, and has provided the scientific basis for El Nino forecasts and the Montreal Ozone Protocol. However, the program has been criticized by the National Academy of Sciences for its inability to focus resources on priority areas. If confirmed, I would be pleased to work with you to explore ways to improve and strengthen this important program.

*Question 6.* In recent testimony before the Commerce Committee, Dr. John Marburger, the President's Science Advisor, highlighted the need for more diversity at all ranks of the science and engineering workforce. Do you feel that this need exists at NOAA and if so, what are your specific plans to address this problem?

Answer: A diverse workforce is a necessity firmly grounded in today's global realities. I will work with NOAA senior managers to help ensure the agency serves as a model for a talented, dedicated and effective workforce that reflects the nation's diversity in the 21st Century. I believe that NOAA should strive to foster an open and challenging work environment which enables employees to reach their full potential. Achieving these objectives could require new ways of thinking and doing business throughout NOAA.

I understand that NOAA has initiated a new program to expand and strengthen its partnerships with Minority Serving Institutions. I look forward to building collaborations between the Minority Serving Institution community and NOAA that can provide opportunities to pursue research and educational programs in atmospheric, environmental, and oceanic sciences.

*Question 7.* Numerous GAO reports have highlighted the need for agencies to expend more resources on effective training and professional development programs to better equip federal employees for the workplaces of the future. Based upon your experience, what priority would you place on workplace development, and how would you emphasize continuous learning in your agency?

Answer: Workplace development and continuous learning are extremely important to any organization. The amount of knowledge and breadth of skills needed by employees is rapidly growing and changing. In its simplest terms, workforce planning and development is about ensuring the organization has the right people, with the skills, in the right jobs, at the right time. Such vision will depend on analysis of the organization's work as well as a commitment of resources to achieve this goal. I understand that NOAA is considering ways to expand its efforts, and continues to engage in many initiatives to maximize the capabilities of its current workforce and to educate its employees about NOAA's programs and our environment. Should I be confirmed, I look forward to joining in these important efforts.

*Question 8.* One major program under your jurisdiction is the National Polar-orbiting Operational Environmental Satellite System (NPOESS). This program is funded through both the Department of Commerce and Department of Defense. Could you please discuss the importance of the Department of Defense's contribution to the NOAA part of the program and the program overall?

Answer: The joint National Polar-orbiting Operational Environmental Satellite System (NPOESS) will provide an improved and cost effective operational satellite system that will satisfy critical civil and national security requirements for space-based, remotely sensed environmental data. The first NPOESS satellite is required in 2008 to begin replacing the current series of NOAA's Polar-orbiting Operational Environmental Satellite (POES) and the Department of Defense (DoD) Defense Meteorological Satellite Program (DMSP) spacecraft. Upgrading and converging NOAA and DoD satellites into a single program will improve national capabilities and save an estimated \$1.8 billion over the life cycle of the program.

The Department of Commerce (DOC), DoD, and NASA contribute resources to the NPOESS program. DOC has the lead for the converged system and satellite operations, while DoD has lead responsibility for system acquisition. NASA facilitates development of new technologies.

Because DOC and DoD provide equal financing, long-term funding stability by both departments is essential for NPOESS to meet the 2008 need date and avoid an operational gap in critical weather and environmental satellites.

The combined contributions of DOC and DoD are absolutely essential to modernize sensor payload technologies and satellite data processing systems to be commensurate with future computer, weather prediction, and environmental modeling capabilities. It is vital that both DOC and DoD maintain their interest and funding support as currently envisioned.

*Question 9.* Over the past few years, there has been some controversy about the role of the National Weather Service as it relates to commercial providers of weather forecasting information. Could you please explain your thoughts on what weather services should be provided by the National Weather Service, and which should be provided by private forecasters.

Answer: The roles of the NWS and private sector have been debated for some time. In framing this discussion, we should all recognize the value and need for an effective partnership between government and private sector which meets America's needs for weather information. Taxpayer-funded information, including forecasts and warnings issued by the NWS to protect life and property, is critical to our citizens. NWS also provides a national weather information database and infrastructure used by public and the private sector. In turn, commercial firms add value by tailoring the data for specific users in weather sensitive industries. NOAA and NWS use all feasible means to disseminate this valuable taxpayer-funded information to all who need it. In summary, NOAA and NWS cannot fulfill their mission to protect lives and property, and to enhance the national economy without the private sector, and the private sector cannot provide specialized services for business decision-making without NOAA and NWS.

NOAA has commissioned the National Academy of Sciences' National Research Council to conduct a more in-depth study of the respective roles of the government, the private sector and academia in providing weather and climate information to the nation in the Internet age. Considering the importance of weather and climate infor-

mation to our country and the partnership which already exists between NOAA and the private sector, I believe any changes in roles should be examined carefully in a forum open to the many interests affected. If confirmed, I will work with you to examine the results of the NRC study when it is completed and to consider any needed changes to the existing partnership arrangements.

*Question 10.* What role do you see NOAA playing in Homeland defense?

Answer: I understand that NOAA is currently in the process of organizing an inventory of its broad array of national responsibilities related to the September 11th events and Homeland Security. If confirmed, I will first work to ensure that existing programs and resources are well prepared and positioned to support Homeland Security in the most expedient manner. In response to September 11, NOAA quickly deployed a wide range of capabilities such as high accuracy geodetic positioning, nautical charts, law enforcement, and specialized weather forecasts. NOAA is also identifying what it can do to prepare better for any future incidents. I understand that as one of the first priority issues, NOAA is identifying possible weaknesses in its own security and possible threats to NOAA infrastructures (i.e., single points of failure) including data networks, supercomputers, and intranet/internet infrastructure. It is critical that NOAA have continuity of operations to ensure that essential NOAA products and services will continue to be produced in the wake of a catastrophe. If confirmed, I will also ascertain what enhancements might be necessary with additional resources and over a longer timeframe. Some preliminary items include developing better water and atmospheric models that would give information regarding dispersal of a variety of materials including biological and chemical agents. They also include enhancing a number of products and services including satellite data; electronic navigational charts to support the early implementation of Coast Guard's Automatic Information System; preliminary talks with the Navy to cooperate on harbor, traffic lane and approaches; hydrographic surveys for comprehensive baseline data of U.S. ports to assist in obstruction detection; and the Computer-Aided Management of Emergency Operations (CAMEO) that EPA and NOAA jointly designed to assist emergency responders in preparing for and responding to chemical releases. Also of great promise are current and future observing systems that can produce early warning information of unwanted intrusion into and on U.S. sovereign territory as well as producing data of vital use in weather and climate forecasting, environmental monitoring, and safe navigation, to name just a few.

*Question 11.* How important is the weather data provided by the commercial sector to the overall weather data and NOAA's weather prediction capability?

Answer: Today, most of the nation's observational infrastructure for weather, water and climate prediction is taxpayer-funded. This includes environmental satellites, advanced doppler radars, automated surface observation systems, marine data buoys, cooperative observer networks, and upper air observations networks.

However, weather data provided by the commercial sector does play a key role in NOAA weather prediction capability. For example, NOAA receives surface observations from instruments maintained by public utilities, agribusiness interests, and the offshore oil industry; observations from weather instruments on commercial airliners and ships; and lightning data under contract from a private company which maintains a national system of lightning sensors. In addition, NOAA's weather prediction capability depends on global cooperation to share information with governments of other nations within the framework of the United Nations' World Meteorological Organization.

*Question 12.* What improvements do you see as necessary to improve upon weather forecasting?

Answer: As you are aware, the NWS recently completed a multi-year \$4.5 billion modernization and associated restructuring which resulted in significant improvements in weather services to the nation. To meet the growing demands of customers, partners, and constituents, NOAA must build on the success of the NWS modernization and continue to enhance its forecast and warning capabilities by making wise investments in people and technology. Future improvements in weather services will require continued advances in observing systems both on land and at sea, continued investments in technology infusion, improvements in numerical weather prediction models and supercomputing technology, and improvements in weather forecasting techniques. NOAA must also continue improvements in communication and dissemination systems to ensure timely delivery of products.

NOAA must also keep pace with changing science and technological advances and continue strong investments in research and development. NOAA scientists and their university partners must continue research activities to develop new forecasting techniques and technologies. NOAA must continue to leverage other federal research programs and continue to sponsor critical basic research at universities

and colleges across the country. More importantly, NOAA must continue to invest in its people, attracting and retaining the best and brightest forecasters and researchers to sustain and improve upon weather forecasting services.

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**RESPONSES TO WRITTEN QUESTIONS SUBMITTED BY SENATOR KERRY TO  
VICE ADMIRAL CONRAD LAUTENBACHER**

*Question 1.* The need to preserve and protect our valuable fisheries resources cannot be overemphasized, however the need to preserve marine biodiversity is a goal not so easily understood by the general public and coastal communities.

- What are your views on the need for Marine Protected Areas (MPAs)?
- What role should NOAA play in establishing MPAs?
- What if anything would you do to ensure that preserving marine biodiversity becomes a goal of NOAA when establishing MPAs?

Answer: Just as there are many factors that affect marine biodiversity, there are many methods of preserving and managing it. Marine Protected Areas are one of the important tools that agencies at all levels can use to preserve biodiversity to support environmental and economic activities in our marine environment. NOAA's role, as the nation's ocean agency, is to provide the science and tools for our local and state partners to determine where and what type of marine protected areas are needed to achieve local and state goals. NOAA can use its existing authorities, such as the Magnuson-Stevens Fishery Conservation and Management Act and the National Marine Sanctuary Act, to help conserve our nation's valuable marine resources and maintain biodiversity.

*Question 2.* There is little question that the United States has too many fishermen chasing too few fish. As Governor of Texas, President Bush supported buyouts of fishermen in the shrimp and crab fisheries. I firmly believe we must reduce capacity in our fisheries so that we can limit the amount of economic pain experienced by our coastal communities each time a particular stock crashes.

—Do you support buyouts of fishermen that permanently remove capacity and allow fishermen to retire with dignity?

Answer: I understand that the issue of overcapacity in our nation's commercial fisheries is very serious, and has affected your constituents who participate in the Northwest Atlantic groundfish fishery. The United States has moved from a period of subsidizing domestic fishing fleets to a new era of rebuilding depleted fisheries. In some cases, buyout programs can help reduce capacity in over-crowded fisheries. If confirmed, I will work through NOAA Fisheries to arrive at a solution that will treat U.S. fishermen in a fair and respectful manner.

*Question 3.* As you may know, Congress has strongly opposed the resumption of commercial whaling and has passed several resolutions in the past calling on the President to do everything he can to ensure that Japan and other whaling nations cease whaling operations. Under the ESA and MMPA, NOAA is charged with protecting whales and has represented the U.S. at the International Whaling Commission (IWC). In the early days of the Bush Administration, a spokesman for the Department of State offered that the Administration would continue the policies of previous Administrations in terms of opposing commercial whaling.

I would appreciate your assurances that you and your agency are committed to protecting the world's whale populations and will continue to do everything possible to end Japan's unauthorized scientific whaling and oppose all attempts to resume commercial whaling.

Answer: The Bush Administration continues to oppose both commercial whaling and the lethal taking of whales for research purposes. As recently as November 9, 2001, the U.S. Department of State issued a press release opposing the research whaling operations of five Japanese vessels in Antarctic waters. As part of the overall Administration effort, NOAA will continue to protect whales under both the Endangered Species Act and the Marine Mammal Protection Act and will continue to represent the United States at the IWC meetings. I look forward to continuing and supporting these conservation efforts should I be confirmed by the Senate.

*Question 4.* I recently introduced legislation (S. 1380) to help save the endangered North Atlantic Right Whale. I felt that this legislation was necessary because over the past 5 years Congress has appropriated significant funding for right whale research and other activities, but quite frankly it doesn't appear that we are any closer in terms of a plan or strategy on how to recover this magnificent whale. Meanwhile the population of right whales continues to decline.

—Could you give me your personal commitment to work with me and my staff on developing strong legislation and helping us get the bill enacted this Congress?

Answer: I am aware that NOAA Fisheries is working diligently to address the very serious right whale problem in the Northwest Atlantic Ocean. I thank you for highlighting the pressing nature of continued right whale survival in Congress by introducing your right whale legislation (S. 1380). I give you my personal commitment that if confirmed, I will work closely with you and your staff to ensure an adequately coordinated program for recovery of right whales that involves knowledgeable and resourceful constituents in the process.

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**RESPONSES TO WRITTEN QUESTIONS SUBMITTED BY SENATOR SNOWE TO  
VICE ADMIRAL CONRAD LAUTENBACHER**

*Litigation-Based Management*

*Question 1.* Over the last few years, this Committee has witnessed the disturbing trend of NOAA regulating based on litigation, or the fear of litigation, and not based on sound science and resource management policies. At times, such as the case of the bluefin tuna spotter plane ban, it was because the agency was not able to compile a regulatory record that could withstand judicial scrutiny. Other times, such as the case with the agency refusing to stand by the Maine Atlantic Salmon Conservation Plan instead of listing under the Endangered Species Act, it was based on incomplete science and a fear of alienating certain special interest groups.

a. Do you believe that this is the best approach to managing our nation's natural resources?

b. If confirmed, what steps will you take to ensure that NOAA returns to science based management actions and away from merely being reactive to litigation?

Answer: I strongly agree that management decisions related to our natural resources should be based on sound science. I will work hard to make that happen. My current understanding is that many of NOAA's lawsuits stem from compliance and process issues and not necessarily the science behind the policy decisions. Dr. William Hogarth, Assistant Administrator for NOAA Fisheries, is looking at internal organization and procedures and is also working with the Regional Fishery Management Councils (Councils) and other interested parties to ensure that NOAA Fisheries has fully integrated the requirements of the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA), and other statutes. In addition, funding that Congress has provided to help NOAA Fisheries improve compliance and reduce litigation problems has proven especially useful. Should I be confirmed, I will support Dr. Hogarth's efforts to ensure that NOAA Fisheries manages our living marine resources effectively and efficiently, based on sound science.

*Accountability of NMFS*

*Question 2.* As a mathematician, naval strategist, and commanding officer, you no doubt understand how important it is to make informed decisions. You have been nominated to run a regulatory agency that should be accountable for the science it relies on and the resulting management decisions. Unfortunately, such accountability has been sorely lacking in fisheries management. During the last Congress, I chaired 6 hearings across the country as part of the reauthorization of the Magnuson-Stevens Act—our nation's primary fisheries management law. At each and every hearing, a wide range of stakeholders pointed to the lack of good science being utilized in management decisions.

Due to this lack of accountability, people have lost confidence in the Department of Commerce's ability to manage our valuable natural resources. Finding a way to correct this is one of the top challenges this Committee has faced as we proceed with the reauthorization of the Magnuson-Stevens Act.

a. If confirmed, how will you seek to improve accountability in fisheries management?

Answer: Accountability of federal agencies is an extremely important issue to me, and I understand its importance to your constituents as well. I am aware that Dr. William Hogarth is already taking steps to improve accountability at NOAA Fisheries through improved NEPA compliance and making the process transparent to its constituents. He is also making changes in organization structure and agency procedures. Funding provided by the Congress for this effort has been especially helpful. Should I be confirmed, I intend to work with NOAA Fisheries staff throughout the country to ensure that the agency is conducting itself in a way that restores the public's confidence.

b. How will you seek to improve both the quality and quantity of data being used?

Answer: It is extremely difficult to manage natural resources effectively without good data. In the case of fisheries, it is particularly difficult to obtain information in the quality and quantity that fishery managers need to perform their job effec-

tively. Despite the difficulties, multiple NRC reviews have confirmed the high quality of NOAA Fisheries Science and that science has withstood court challenges. However, these NRC studies also have emphasized the need to improve data collection using both traditional programs and new approaches. Improving the quantity and quality of data will require continued Congressional support. I look forward to working with you, should I be confirmed, to ensure that NOAA Fisheries data continues to improve.

c. What role would a national ocean observing system play in such a data improvement strategy?

Answer: Three NOAA offices (Research, Fisheries and Ocean Service) currently are working together to develop a common ocean observing system and data strategy. Science has shown that changes in oceanic conditions can impact fish production and sustainable fishery yields. Ecosystem management also requires a close integration of information on abundance trends of living resources as well as processes that affect those resources, such as climate. In addition, NOAA forecasts of climate, coastal, and marine conditions are beneficial for the safety and efficiency of fishing operations. An integrated and coordinated ocean observing system will help NOAA better understand and predict all of these processes that affect both fish populations and the fishermen who rely upon them. If confirmed, I look forward to working with Dr. Evans, Dr. Hogarth, and Ms. Margaret Davidson to address ways in which a national and coastal ocean observing system can provide data leading to improved management decisions.

#### *Regulatory Stability*

*Question 3.* In 1996, the United States made the commitment to end overfishing in our waters and rebuild overfished fisheries. The transition to sustainable fisheries has not been an easy one and many difficult, but necessary, management measures have been adopted. Unfortunately, this has resulted in a never-ending morass of regulations.

For example, New England groundfishing regulations were changed 5 times in 1999 and another 4 times in 2000. While I support a management regime that is responsive to new information, we can clearly see that there is absolutely no regulatory stability in our commercial fisheries. This makes it extremely challenging for our fishermen to run their businesses and nearly impossible for the Coast Guard and enforcement agents to keep up.

a. If confirmed, how will you work to bring an element of regulatory stability to fisheries management?

Answer: Fishermen are businessmen and need stability to plan and manage operations effectively. I understand that Dr. Hogarth is currently working with NOAA Fisheries' offices, regions and the Councils to examine options for changing the annual regulatory process. Over the next year, workgroups in each Council will evaluate regulatory streamlining options and strategic planning. This will provide fishermen with a much better opportunity to make business plans and capital investments and foster sound conservation management. I look forward to working with you, should I be confirmed, to find better ways to balance fishery conservation and fishermen's social and economic needs.

#### *Public Process*

*Question 4.* Recently, the National Marine Fisheries Service published three notices in the *Federal Register* regarding changes in the management measures needed to protect North Atlantic right whales. They are all pieces of a rather complex regulatory puzzle. Unfortunately, the way it was handled, stakeholders were put into the position of having to make decisions about part of the puzzle as it relates to dynamic area management without seeing the full proposal or environmental impact statement on seasonal area management.

In essence, NOAA is denying stakeholders the ability to look at the entire proposal and provide comments on measures that will greatly impact their livelihoods. While this may meet the letter of the law, it certainly falls far short of the intent.

a. If confirmed, what steps will you take to enhance and encourage public participation in the regulatory process?

Answer: Clearly, public participation in the regulatory process is a necessity. I am aware that Dr. Hogarth continues to make NOAA Fisheries more open and transparent to the public. NOAA Fisheries is already beginning a number of changes to improve public involvement in fishery management decisions. Using the NEPA process, NOAA Fisheries and the Councils will prepare information on all the requirements of the ESA and other laws much earlier in the process and in full public view. A NOAA Fisheries Office of Constituent Affairs and a pilot project looking at electronic rulemaking were started in November. If I am confirmed, I will work to en-

sure an open process and look for other improvements to enhance public participation.

*Intra-agency Cooperation and Coordination*

*Question 5.* NOAA's different offices have a tremendous range of expertise. Often, the agency's missions overlap the capabilities of the different line offices. For example, the National Ocean Service was able to provide the National Marine Fisheries Service with fisheries habitat maps when they began implementing the Essential Fish Habitat mandate. Unfortunately, the relationship between the line offices does not always include such a level of cooperation and coordination. At times, one office may need to duplicate the work of another simply because they don't know what has already been done. This is highly inefficient in terms of both time and money.

a. If confirmed, what will you do to encourage and enhance inter-agency cooperation and coordination?

Answer: Effective cooperation and coordination of all components of NOAA is a high priority for me. If confirmed, I will be reviewing all levels of NOAA management with the goal of creating a more efficient and effective agency that will better serve the needs of the American public.

*Atlantic Salmon/Endangered Species*

*Question 6.* In 1997, the National Marine Fisheries Service and U.S. Fish & Wildlife Service had withdrawn a petition to list Atlantic salmon in 8 Maine rivers saying that the Maine Atlantic Salmon Conservation Plan met this same goal. This Maine Plan was developed over a period of 18 months involving over 75 stakeholders, including the federal government. So you can imagine my extreme disappointment when 2 years into the 5-year plan the Services abruptly changed course and listed.

I understand that NMFS unsuccessfully tried to use this state-oriented procedure with regard to Oregon salmon stocks. At the time, the agency touted both state plans as an example of the flexibility inherent in the Endangered Species Act. In the case of the Oregon Plan, it relied heavily on voluntary measures and was subsequently defeated in court because of the plan's lack of mandatory measures. The state of Maine's plan did include mandatory measures, yet it is my understanding the NMFS withdrew their support for the plan for fear of another litigation defeat.

a. Can you briefly tell the committee what you consider to be the advantages and disadvantages of allowing states to take the lead in developing endangered species recovery plans?

Answer: Clearly, states should play an important role in developing endangered species recovery plans. State natural resource agencies are valuable sources of knowledge regarding living marine resources and must continue to be involved in rebuilding endangered populations. Close partnerships with states allow leveraging of resources and support at the local level.

b. Could you please tell the committee what you will do to help promote the better use of science in the endangered species listing process?

Answer: I know that the listing of Atlantic Salmon has been a very serious issue for your home state of Maine and that it has had considerable effects on the Maine economy. If confirmed, I will work to ensure that NOAA Fisheries continues to improve both the quality and quantity of its science used in the endangered species listing process.

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RESPONSES TO WRITTEN QUESTIONS SUBMITTED BY SENATOR WYDEN TO  
VICE ADMIRAL CONRAD LAUTENBACHER

*Question 1.* The National Marine Fisheries Service (NMFS) has been conducting stock assessment surveys in the West Coast groundfish fishery every 3 years instead of every year. They do not have adequate data on the 83 species that comprise the groundfish fishery. The law states that a precautionary management approach is required to conserve the stocks we have left.

—How will you ensure that NMFS has the resources to conduct scientifically valid stock assessments on an annual basis?

—Can you assure me that NMFS will have the resources to remedy this problem and will enthusiastically work with fishermen toward sustainability?

Answer: I believe that groundfish stock assessments should be based upon the best available science. I understand that NOAA Fisheries conducts annual trawl surveys for these species using chartered commercial fishing vessels. I am also told that the agency plans to evaluate West Coast groundfish surveys to improve the accuracy and efficiency of annual surveys and will work with the fishing industry scientists to conduct other experimental acoustic surveys. If confirmed, I will work

with NOAA Fisheries to explore innovative ways to work to improve stock assessments.

*Question 2.* It has been 3 years since NMFS promised to get observers on the groundfish fishery boats. They are finally out there this fall getting NMFS additional data regarding stocks and bycatch.

—Can you assure me that you will fully support this program and its expansion?

Answer: I understand that NOAA Fisheries is committed to supporting a robust observer program aimed at providing the necessary information to manage groundfish effectively. Congress' \$1.8 million increase for the observer program in fiscal year 2002 will significantly further this program. Industry data collection is also important. If confirmed, I will continue to work to support both of these initiatives.

*Question 3.* The Capital Construction Fund (CCF) was useful when we needed to increase the capacity of our nations' fisheries, but now that stocks have been declining, we need to help fishermen retire, or leave the fishery for good, rather than encouraging them to upgrade their vessels and gear. The final section of S. 973, "Pacific Coast Groundfish Fishery Preservation Act," authorizes fishermen to withdraw funds without penalty from their CCF if they are going to retire or quit fishing altogether.

—What do you think of this approach?

Answer: I agree that reforming the Capital Construction Fund is an idea that has merit and should be pursued. I am aware that the Department of Commerce has been exploring potential changes to the Fund in order to make it more flexible and if confirmed will work with you on this issue.

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RESPONSES TO WRITTEN QUESTIONS SUBMITTED BY SENATOR INOUYE TO  
VICE ADMIRAL CONRAD LAUTENBACHER

*Question 1.* Recently, NOAA has been the target of numerous lawsuits brought by environmental groups alleging that the Administration has failed to comply with statutes such as the ESA. I believe that our precious natural resources should not be managed by litigation, but by management plans carefully crafted with input from all legitimately interested parties. What are your plans to bring NOAA into better compliance with environmental laws so that our natural resources may be managed more efficiently and fairly?

Answer: I strongly agree that management decisions related to our natural resources should be based on sound science. I will work hard to make that happen. My current understanding is that many of NOAA's lawsuits stem from compliance and process issues and not necessarily the science behind the policy decisions. Dr. Hogarth, Assistant Administrator for NOAA Fisheries, is looking at internal organization and procedures and is also working with the Regional Fishery Management Councils (Councils) and other interested parties to ensure that NOAA Fisheries has fully integrated the requirements of the ESA, NEPA, and other statutes. In addition, funding that Congress has provided to help NOAA Fisheries improve compliance and reduce litigation problems has proven especially useful. Should I be confirmed, I will support Dr. Hogarth's efforts to ensure that NOAA Fisheries manages our living marine resources effectively and efficiently, based on sound science.

*Question 2.* NOAA conducts much basic research on marine and oceanic matters in order to support the policy decisions that NOAA makes, but this research sometimes misses the mark. For example, in Hawaii, the Congress has appropriated millions upon millions of dollars for research regarding the Green Sea Turtle. Little of that research, however, is relevant to the most pressing problem that NOAA's National Marine Fisheries Service faces in the Pacific: how to design fishing gear that is safe for turtles. Now, millions more must be appropriated so that relevant research may be conducted. As the head of NOAA, what would you do to ensure that NOAA's laboratories are better tied in to NOAA's overall mission?

Answer: I believe coordination among NOAA headquarters, field offices and laboratories is vital to ensuring that NOAA moves forward with its overall mission. I am not yet familiar with the research that NOAA Fisheries has conducted on the Green Sea Turtle. However, I understand the value of gear research. I am told that work in the Hawaii longline fishery is underway with complementary efforts in the Atlantic. NOAA Fisheries must continue to balance the economic viability of the longline fishery and protection for endangered species. Should I be confirmed, I look forward to working to improve NOAA effectiveness in this difficult arena.

*Question 3.* Within the past year or two, the Department of the Interior has started to take the position that its jurisdiction extends 12 miles out into the oceans around wildlife refuges. The Department of Commerce, however, has assumed jurisdiction over coastal waters starting from 3 miles from the coastline under the Mag-

nuson Act. What steps will you take to clarify that the jurisdiction of the Department of the Interior extends only 3 miles from the coastline, as mandated by the Magnuson Act?

Answer: I understand that this is a concern to you and your constituents and also that the Department of Justice (DOJ) has looked into this matter. Although I have not seen the opinion, I will, if confirmed, review the matter to determine its effect on NOAA's ability to manage marine resources. I will work with you and the Administration to resolve any outstanding concerns related to this issue.

*Question 4.* What is the status and likely disposition of the Department of Commerce's review of President Clinton's Executive Order regarding the protection of the coral reefs in the Northwest Hawaiian Islands?

Answer: I understand that the National Marine Sanctuaries Act (NMSA) Amendments of 2000 direct the designation of a National Marine Sanctuary in the Northwestern Hawaiian Islands. Secretary Evans has said that while the sanctuary designation process and review of the Executive Orders are underway, the Department will continue to use conservation and management measures under existing statutory authorities to manage these unique resources consistent with the purposes and policies of the NMSA. If confirmed, I will work within the Administration to develop a proposal that accommodates the various views and concerns surrounding this issue.

*Question 5.* What is NOAA's overall strategy for managing endangered species, such as the Monk Seal, and Green Sea Turtles, so that the many healthy Pacific fisheries may either remain open or be re-opened?

Answer: I understand that NOAA continues to work within its programs, with other agencies and stakeholders under the ESA and the Marine Mammal Protection Act to minimize the impact of human activities on these species. NOAA Fisheries has also finalized recovery plans for all of the sea turtles found in U.S. waters and for the Hawaiian Monk Seal and continues to implement the recovery efforts outlined in those reports. Ensuring that Pacific fisheries remain open or be re-opened is important to NOAA, as well as to you and your constituents. If confirmed, I will continue to work with you and NOAA Fisheries to develop innovative and cooperative solutions to conservation problems.

*Question 6.* Does NOAA support the formation of a new Pacific Region within the National Marine Fisheries Service so that the needs of Hawaii and the Pacific will be addressed promptly and thoroughly?

Answer: I recognize the uniqueness of the fisheries' needs in Hawaii and the Western Pacific and I believe both NOAA and the Department of Commerce support the formation of a new Western Pacific Region within NOAA Fisheries. I also recognize that we must continue to take care of various issues within the Southwestern U.S., where Hawaii fisheries' issues are currently handled. Should I be confirmed, I look forward to working with you on this issue while continuing to balance and support the needs of California fisheries.

*Question 7.* If NOAA does not support the formation of a new Pacific Region, what concrete steps will the Administration take to ensure that Pacific issues are properly addressed?

Answer: I believe both NOAA and the Department of Commerce support the formation of a new Western Pacific Region within NOAA Fisheries.

#### PREPARED STATEMENT OF SENATOR OLYMPIA J. SNOWE

As Ranking Member of the Oceans, Atmosphere and Fisheries Subcommittee, and as someone who represents a State with a 3,500-mile coastline, and which in 2000 led New England in both the value and volume of fisheries, I would like to welcome Admiral Lautenbacher, our NOAA nominee, to the Committee.

NOAA is the largest agency in the Commerce Department, and it has a critical mission. The oceans contain essential natural resources, and today, we face unprecedented challenges in trying to manage these resources. Having worked with the Admiral in the past, I am certain he will prove equal to the challenge.

NOAA is an agency with tremendous scope and reach. It is responsible for the National Marine Fisheries Service, or NMFS, which administers those programs that support the domestic and international conservation and management of living marine resources. NMFS provides services and products to support domestic and international fisheries management operations, fisheries development, trade and industry and assistance activities, enforcement, protected species and habitat conservation operations, and the scientific and technical aspects of NOAA's marine fisheries program.

Furthermore, the National Ocean Service under NOAA develops the national foundation for coastal and ocean science, management, response, restoration, and navigation. The Office of Oceanic and Atmospheric Research conducts and directs research in atmospheric, coastal, marine, and space science, while the Office of Marine and Aviation Operations and National Environmental Satellite Data and Information Service operate aircraft, ships and satellites to collect data for research. And finally, the National Weather Service plays a key role in providing weather, water and climate warnings and forecasts that are widely used and relied upon not only for recreation, but for the livelihood of countless Americans.

In other words, NOAA is in the ocean, on the ocean, in the atmosphere and above the atmosphere—that's covering an awful lot of territory. As such, the work of NOAA impacts a tremendous number of Americans, and vice versa. More than half of the U.S. population lives on the 10 percent of U.S. land designated as the coastal zone. And the size of our coastal population grows every year, placing increasing strains on coastal resources.

We are at a precarious time in terms of our fisheries, and our fishermen, and the statistics speak for themselves. Of the 157 fish stock groups for which we know the utilization status, 36 percent are over-utilized, and another 44 percent are fully utilized. These fisheries had a dock-side landings value in 2000 of nearly \$3.5 billion, and the value of processed fisheries products exceeded \$7.2 billion in 2000.

This production easily employs over 100,000 people in the United States, and in my home State of Maine alone, fisheries help employ more than 22,000 people. It will be one of Admiral Lautenbacher's greatest responsibilities to protect not only the fish, but also the fishermen, and I believe his experience and leadership make him well qualified for the task.

Of course, NOAA's atmospheric mission is equally vital. Its climate research programs could not be more critical at a time of renewed concern about global warming. And, of course, the National Weather Service provides information that is essential to the protection of the lives and property of all our citizens. This was well in evidence just this past week trying to protect the people of Florida from Hurricane Michelle.

This is a defining time for NOAA—a time that calls for strong leadership and a serious and careful commitment to sound scientific principles. Unfortunately, we have seen the agency flounder, basing regulatory decisions not on science or resource management policy, but on litigation or the fear of litigation. I don't want to see a Federal agency driven by lawsuits. Rather, our Federal Government should function in the best interests of public policy and the American people.

Admiral Lautenbacher brings an exemplary 36-year Naval career rising to the rank of Vice Admiral and serving as the Deputy Chief of Naval Operations for Resources, Warfare Requirements, and Assessments. Most of us would consider that an impressive professional achievement in and of itself.

But the Admiral also holds a PhD from Harvard in Applied Mathematics and is well respected for his keen scientific knowledge. To me, that's a one-two punch that's almost unbeatable when it comes to an agency in need of strong direction from someone who understands scientific methods and respects the scientific basis on which so much of NOAA's work must rest. This proven track record of leadership, combined with his strong familiarity with scientific processes make him uniquely suited to this demanding position.

I've seen Admiral Lautenbacher in action, and I can speak firsthand of his intelligence, his grasp of the issues, his obvious penchant for preparation, and his ability to think on his feet. In fact, he testified on the future of a strong Navy several times before the Senate Armed Services Seapower Subcommittee when I served as Chair. I have found him to have a firm grasp of the need to balance resources with the realities of funding limitations in order to maximize our results. NOAA is an agency sorely in need of such an outlook.

I wanted to offer these comments, Mr. Chairman, as I have had the opportunity to work directly with the Admiral and have been very impressed with his abilities. I hope the Committee will carefully consider this well-qualified nominee, and I want to thank the Chairman and thank Admiral Lautenbacher for appearing before this Committee. Admiral, I wish you the best as your nomination proceeds.

